

III. REMARKS

New claims 11-32 correspond to the allowable EPO claims. Independent claims 11, 18 and 24 recite that at least one terminal is arranged to favor at least one cell with respect to other cells based on priority data transmitted to said at least one terminal in a priority identity (or information) message and said priority data comprises at least a priority cell identity and at least one offset parameter. Since these limitations are not in the appealed claims, the present claims are patentably distinct from the appealed claims, and thus the doctrine of Res Judicata does not apply, see MPEP 706.03(w). Further since these limitations are not found in, or suggested by, Chavez, Wang or ETSI, claims 11-32 are novel and unobvious over these references even when taken in combination.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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